

Notice of Allowability

Application No.

10/807,442

Applicant(s)

TAGUCHI ET AL.

Examiner

Helene Klemanski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to TD filed 9/30/05, amendment filed 10/19/05 and interview 10/31/05.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 103105.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

HELENE KLEMANSKI
PRIMARY EXAMINER
GROUP 1700

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph J. Ruch, Jr. on October 31, 2005.

The application has been amended as follows:

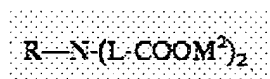
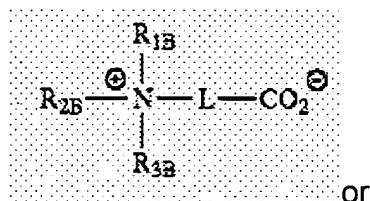
In claim 1, the last line, the phrase “; a_1 to a_4 each independently represents an integer of 0 to 4 but all are not 0 at the same time and b_1 to b_4 each independently represents an integer of 0 to 4 and $a_1+b_1=4$ ” has been inserted between the term “group” and the period.

Terminal Disclaimer

The terminal disclaimer filed on September 30, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on application no's 10/611,990, 10/805,251, 10/600,831, 10/806,452, 10/660,653 and 10/806,424 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Reasons For Allowance

The following is an examiner's statement of reasons for allowance: This application teaches an ink jet ink set comprising at least two inks, wherein at least one ink contains a betaine compound represented by one of the formulas



wherein M^1 is an alkali metal cation or a hydrogen atom; at least one of R_{1B} to R_{3B} and L contains a group having 8 or more carbon atoms and at least one R and L contains a group having 8 or more carbon atoms and the other ink contains a nonionic surfactant and wherein the at least two inks contains a dye represented by the formulas (CI), (M1), (Y1) and (BK2) of the formulas as claimed by applicants. The closest prior art of record is EP 1378550, EP 1375608, EP 1473336 and U.S. Patent Application Publication No's. 2004/0055508, 2004/0011248 and 2004/0080595, issued to Miyamoto et al., Taguchi et al. and Taguchi et al. respectively, however, applicants have filed a certified English translation of their foreign priority which entitles them to a date of March 24, 2003 which is earlier than any of the effective filing dates of the above U.S. Patent Application Publication No's. Accordingly, the 102(e) rejections over each of the above references have been overcome. Also, the prior art of record U.S. 5,980,623, issued to Hiroaka et al. teaches a similar ink jet ink containing a specific cyan dye and a betaine surfactant

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but fails to teach or fairly the cyan dye of the formula (CI) or a betaine surfactant containing a group having 8 or more carbon atoms as claimed by applicants.

Applicants should note that the examiner has cited U.S. Patent Application Publication 2005/0178288, issued to Taguchi however no 102(e) rejection has been made over this reference since the effective filing date of the reference is August 18, 2005. It is the examiner's position that there is no provisional obviousness-type double patenting rejection to be made since the claims of the above reference do not teach an ink set with at least one ink containing a betaine compound of the formulas as claimed by applicants and at least one other ink containing a nonionic surfactant as claimed by applicants. Accordingly, this application is allowable.

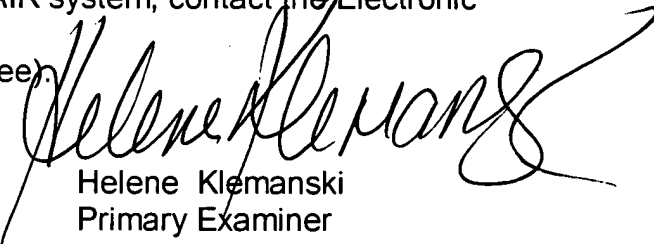
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helene Klemanski
Primary Examiner
Art Unit 1755



HK

October 31, 2005